

REMARKS

Claim 37 is amended. Claims 37-56, as amended, remain in the application. Applicants intend to file a continuation application to pursue the subject matter of cancelled Claims 1-36, 57 and 58 not defined by the current claims.

The Examiner's Rejections:

In the Office Action dated July 17, 2007, the Examiner rejected Claims 37-46 and 54-56 under 35 U.S.C. 103(a) as being anticipated by Robertson in view of Official Notice. [Application is a CIP of Application no. 09/452,126, filed on December 1, 1999. Application 09/452,126 does not contain information contained in Para 0073-0103 of the US 2004/0024620 A1 Application Publication; and therefore only Paragraphs 0001-0072 and 0104-0105 are acknowledged the priority of 12/1/991.]

As per independent Claim 37, the Examiner stated that Robertson discloses a method for determining personality type to facilitate the delivery of personality products, advice, or services (Abstract) comprising the steps of: a. a system proprietor providing a computer system including a database of a plurality of personality related tests and questions (Para 0062, list of questions - separate questions are equivalent to individual tests; Para 0065-0072, computer enabled); Crafting and administering multiple tests); b. a system proprietor providing remote access to the system to a administrator utilizing an administrator computer (Para 0071, Network Capability; Fig.4, host computer servers as a type of administrator); c. a system proprietor collecting from the administrator computer via the remote access identifying information related to an individual user (information collected at the host computer); d. a system proprietor the administrator, via the remote access, selecting ones of the tests and questions in the database to be presented to the individual user (Para 0062, pick from list of questions - automated process); e. a system proprietor providing remote access to the system to a user computer identified as being operated by the individual user based upon receipt from the user computer information corresponding to the identifying information provided by the administrator computer (Para 0071, Network Capability - user identification is inherent part of connection); f. a system proprietor providing to the user computer via the remote access the tests and questions selected by the administrator and collecting data from the individual user via the remote access including results of the tests and

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responses to the questions and storing the data in the database (Para 0062-0064, present user with specific questions - automated process); g. a system proprietor comparing the test results and the question responses of the individual user with a predetermined set of references (testing system reference, Fig.2a-2b) to develop a set of characteristic data of the individual user and determining a personality type of the individual user from the characteristic data (Para 0064, Classifying user based on survey results); h. a system proprietor the administrator viewing the test results and question responses of the individual user (manual step completed by administrator, has no effect on the claimed method - non-functional subject matter); and i., a system proprietor matching the personality type of the individual user with a corresponding product, advice, or service (Para 0064, correct insurance rate determined; Para 0065-0072, computer enabled process steps).

Robertson fails to expressly disclose wherein the administrator is a third party.

However, Official Notice is taken that using a third-party to administer an element in a business method was a well known form of costing savings at the time the invention was made, as it typically reduced overhead expenditures and labor costs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a third-party to administer the questionnaires in the method/system disclosed by Robertson, for the stated purpose of cost savings.

As per Claim 38, the Examiner stated that Robertson discloses wherein said step f. includes administering at least one of a personality test, a scenario-based test and a roll play-based test to the individual user to obtain the test results (Abstract, Para 0055-0058).

As per Claim 39, the Examiner stated that Robertson discloses wherein said step f. includes collecting at least one of demographic data, psychographic data, quality of life data, life style data, behavior data, and declared preferences data from the individual user to obtain the question responses (Para 0055-0058).

As per Claim 40, the Examiner stated that Robertson discloses wherein said behavior data includes at least one of provided behavior data and observed behavior data (Para 0055-0058).

As per Claim 41, the Examiner stated that Robertson discloses selecting from a plurality of questions and tests specific ones of the questions and tests to be presented to the identified user during said step c. based upon data previously collected from the identified user (user information to necessary to send survey to user).

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As per Claim 42, the Examiner stated that Robertson discloses selecting a presentation medium for each of the questions and test to be presented to the individual user (Para 0062).

As per Claim 43, the Examiner stated that Robertson discloses performing said step g. by selecting one of a plurality of classification systems based upon a type of matching to be performed in said step i., each said classification system having an associated predetermined set of references (Para 0036, Robertson system is designed to be adaptable to various embodiments).

As per Claim 44, the Examiner stated that Robertson discloses performing step g. by selecting one of a plurality of scoring methods for scoring the results of the tests (scoring would depend on number and type of questions selected for surveying).

As per Claim 45, the Examiner stated that Robertson discloses performing said step i. by matching the individual user with the product, advice or service preferred by other users having a similar personality type (Claims 1-4, classification system).

As per Claim 46, the Examiner stated that Robertson discloses performing said step e. by obtaining context data from the individual user and matching the individual user with the product, advice or service associated with the individual user personality type and context data (Claims 1-4, classification system).

As per Claim 54, the Examiner stated that Robertson discloses performing said step f. by selecting an order of presentation of questions to the individual user (Para 0062, presentations of questions determined by administrator).

As per Claim 55, the Examiner stated that Robertson discloses performing steps c. through i. for a plurality of the individual users associates as a group (system could be used to determine company or organization insurance risk).

As per Claim 56, the Examiner stated that Robertson discloses wherein said step g. includes scoring the results of the tests (Para 0063-0064).

The Examiner rejected Claims 47, 48, and 51-53 under 35 U.S.C. 103(a) as being anticipated by Robertson in view of Smolen (US 5,915,243).

As per Claims 47, 48, and 51-53, the Examiner stated that Robertson discloses said step g. being performed by selecting one of a plurality of classification systems based upon a type of matching to be performed in said step i., each said classification system having an associated predetermined set of references (Para 0036, Robertson system is designed to be adaptable to

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various embodiments); and performing said step i. by matching the individual user with the product, advice or service preferred by other users (insurers) having a similar personality type (Claims 1-4, best insurance for determined risk classification).

Robertson fails to expressly disclose wherein after performing said step g. advising the individual user of the determined personality type/ characteristic, obtaining feedback data from the individual user and performing again said step d. including the feedback data in the comparison with the test results and the question responses, and/or using the feedback to adjust the survey/survey system.

However, Smolen discloses a system for providing consumer surveys wherein the answers to the survey/feedback are used to provide additional surveys (C6 L59-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included obtaining feedback data from the individual user and performing again said step d. including the feedback data in the comparison with the test results and the question responses, and/or using the feedback to adjust the survey/survey system, as disclosed by Smolen in the system disclosed by Robertson, for the advantage of providing a method for determining personality type to facilitate the delivery of personality products, advice, or services, with the ability to increase system effectiveness by constantly maintaining an effective survey question pool.

The Examiner rejected Claims 49 and 50 under 35 U.S.C. 103(a) as being anticipated by Robertson in view of Desai et al. (US 6,618,746 B2).

As per Claim 49, the Examiner stated that Robertson fails to expressly disclose wherein the user is assigned a password for accessing the survey system, selected by the administrator; and wherein the survey questions are presented to the individual user, at least one of the questions being selected based upon a response of the individual user to a previous question in the series of questions.

However, Desai discloses a computer based survey system, which provides users passwords to obtain access to the survey system (C5 L5-8), and adapts future questions based on user responses to previous questions (C4 L5-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the user is assigned a password for accessing the

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survey system, selected by the administrator; and wherein the survey questions are presented to the individual user, at least one of the questions being selected based upon a response of the individual user to a previous question in the series of questions, as disclosed by Desai in the system disclosed by Robertson, for the advantage of providing a method for determining personality type to facilitate the delivery of personality products, advice, or services, with the ability to increase system effectiveness by securing system data retrieval, and system efficiency by providing users with only essential questions and skipping unnecessary questions.

Applicants' Responses to the Rejections:

The Examiner rejected Claims 37-46 and 54-56 under 35 U.S.C. 103(a) as being anticipated by Robertson in view of Official Notice.

Regarding step b. of Claim 37, the Examiner stated that "a system proprietor providing remote access to the system to an administrator utilizing an administrator computer (Para 0071, Network Capability; Fig.4, host computer servers as a type of administrator)". Robertson's only description of the host computer 424 is that the network link 420 typically provides data communication through one or more networks to other data services, for example, network link 420 may provide a connection through local network 422 to the host computer 424 (Para [0071]). There is no suggestion in Robertson that the host computer 424 is used by an "administrator" to perform any of the steps c., d. and h. as recited in Claim 37.

Regarding step c., the Examiner stated that "a system proprietor collecting from the administrator computer via the remote access identifying information related to an individual user (information collected at the host computer)". There is no suggestion in Robertson that the host computer 424 is used to provide identifying information related to an individual user.

Regarding step d., the Examiner stated that "a system proprietor the administrator, via the remote access, selecting ones of the tests and questions in the database to be presented to the individual user (Para 0062, pick from list of questions - automated process)". The Examiner appears to be saying that the system proprietor is also the administrator and selects tests and questions through the local network 422 and the host computer 424. There is no support in Robertson, and the Examiner doesn't cite any, in support of this position. Why would the system

proprietor use the host computer 424 to select tests and questions in the computer system 400 that the Examiner identified as the system proprietor's computer system?

Regarding step c., the Examiner stated that "a system proprietor providing remote access to the system to a user computer identified as being operated by the individual user based upon receipt from the user computer information corresponding to the identifying information provided by the administrator computer (Para 0071, Network Capability - user identification is inherent part of connection)". Para. [0071] mentions the Internet 428, but there is no mention of providing access to a user computer.

Regarding step h. of Claim 37, the Examiner stated that "a system proprietor the administrator viewing the test results and question responses of the individual user (manual step completed by administrator, has no effect on the claimed method - non-functional subject matter)". That is not a correct statement of the subject matter of step h. Step h. recites that the system proprietor informs the administrator of the test results and question responses of the individual user. Therefore, there is a transfer of information from the system proprietor to the administrator which is functional subject matter.

The Examiner admitted that Robertson fails to expressly disclose wherein the administrator is a third party. However, the Examiner took Official Notice that using a third-party to administer an element in a business method was a well known form of costing savings at the time the invention was made, as it typically reduced overhead expenditures and labor costs. According to the Examiner, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a third-party to administer the questionnaires in the method/system disclosed by Robertson, for the stated purpose of cost savings.

Whether it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a third-party to administer the questionnaires in the method/system disclosed by Robertson, for the stated purpose of cost savings, has no bearing on the patentability of Applicants' claims. Claim 37 recites in steps f., g. and i. that the system proprietor, not the administrator, administers the questionnaires by:

f. the system proprietor providing to the user computer via the remote access the tests and questions selected by the administrator and collecting data

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from the individual user via the remote access including results of the tests and responses to questions and storing the data in the database;

g. the system proprietor comparing the test results and the question responses of the individual user with a predetermined set of references to develop a set of characteristic data of the individual user and determining a personality type of the individual user from the characteristic data; and

i. the system proprietor matching the personality type of the individual user with a corresponding product, advice or service.

The administrator selects the individual user and provides information related to the individual user (step c.), and selects the tests and questions for use by the system proprietor (steps d. and f.). None of these are steps that would be turned over to an "administrator" for the purpose of cost savings as suggested by the Examiner.

In view of the amendment to the claims and the above arguments, Applicants believe that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.